

Approved For Release 2004/10/28 : CIA-RDP81M00980R000700120048-0



Washington, D.C. 20505

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10 JUL 1978

Mr. Benjamin H. Read
Deputy Under Secretary for Management
Department of State
Washington, D.C. 20520

Dear Ben:

With regard to the Department's proposed Administration position on section 119 of H.R. 12598 as passed by the Senate, it is important that the language comport fully with the views of the President on this matter. Specifically, the Administration position should not concede, as would the proposed explanatory language for subsection 119(2), that the amendment to that subsection "clarifies" the existing "Role of the Ambassador Legislation" (22 U.S.C. 2680a). The correct formulation would be that subsection 119(2) "modifies" 22 U.S.C. 2680a by inserting the "notwithstanding ..." language.

Secondly, your proposed statement of the Administration position obscures what I understand to be the clear directive of the President that the Administration will oppose enactment of subsection 119(2). Any stated Administration support for section 119 should extend only to subsection 119(1) (i.e., changing the term "Ambassador" to "Chief of Mission"). In addition, the Administration position should reflect that the amendatory language could be construed to intend that the President's authority in this area should be ministerial only and to limit his discretion to determine what information may be disclosed to an Ambassador, thereby overriding existing statutes protecting certain information against disclosure (e.g., paragraph 102(d)(3) of the National Security Act of 1947, as amended, and the Privacy Act); this point could give rise to questions of constitutional prerogatives. The point also should be made that the amendatory language could be viewed by foreign liaison services as indicating a further diminution of the U.S. Government's resolve to limit dissemination of sensitive intelligence information.

Please let me know if any problems arise in ensuring that these views are reflected in the Administration position which will be transmitted to the conferees.

Sincerely,

SIGNED

Frank C. Carlucci

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OLC:RLB:sm (19 Jul 78)